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SPECIAL REPORT BY THE SECRETARY-GENERAL ON THE UNITED NATIONS IRAQ-KUWAIT OBSERVATION MISSION

1. I wish to report to the Security Council a number of serious developments concerning the United Nations Iraq-Kuwait Observation Mission (UNIKOM).

2. Firstly, this morning at about 0700 hours local time, a party of some 200 Iraqis with trucks and heavy loading equipment forced entry into the six ammunition bunkers located in a former Iraqi naval base at Umm Qasr, on Kuwaiti territory, and took away most of their contents, including four "HY-2G" anti-ship missiles.

3. UNIKOM, which had maintained a 24-hour guard over the bunkers, made an effort to prevent access to them but was unable to do so. UNIKOM then attempted to prevent the Iraqi trucks loaded with items from the bunkers from leaving the scene by placing United Nations vehicles in their path. After some manoeuvring, the Iraqis surrounded the United Nations vehicles, preventing them from moving without seriously injuring or killing Iraqi personnel. The Iraqis then breached the fence and left.

4. At the first news of this incident, UNIKOM's Chief Military Observer, Major-General Timothy K. Dibuama, summoned the Senior Iraqi Liaison Officer at Umm Qasr and protested to him this serious violation. He also instructed UNIKOM's Chief Liaison Officer in Baghdad to lodge a formal protest with the Iraqi Ministry of Foreign Affairs. In their contacts with the Iraqi authorities, General Dibuama and his representatives pointed out that the Iraqi personnel, without prior clearance, had entered an area which is now known to be Kuwaiti territory and had contravened the Security Council's decision, laid down in the President's letter of 3 November 1992, that the contents of the bunkers should be destroyed by UNIKOM or by a specialized firm acting at UNIKOM's request and under its supervision.

5. Secondly, General Dibuama has reported that up to 500 Iraqi personnel continued today to dismantle prefabricated buildings in the former naval base, also on Kuwaiti territory, and to remove the parts and other items. This

activity is in violation of the procedure established by the Security Council and conveyed to me in the President's letter of 8 January 1993. A copy of this letter was sent to the Permanent Representative of Iraq to the United Nations the same day and General Dibuama informed the Senior Iraqi Liaison Officer in Umm Qasr one day later, that is yesterday.

6. General Dibuama has kept the Kuwaiti authorities informed of the above developments. He has stationed observers at the crossing points along the border in the Umm Qasr area with instructions to stop approaching Iraqis, to warn them that they are about to enter Kuwaiti territory, and to describe to them the procedure established by the Security Council for the removal of Iraqi property and assets.

7. Thirdly, I wish to report that in a meeting at Umm Qasr on 4 January 1993, Major-General Abdallah Firas, the Chairman of Iraq's Higher Committee for Coordination which is responsible for liaison with UNIKOM, raised with General Dibuama the question of the retrieval by Iraq of the prefabricated buildings which Iraq had made available to UNIKOM in a part of the former naval base (Camp Khor). General Dibuama referred this question to United Nations Headquarters and my colleagues have raised it with the Permanent Representative of Iraq, asking that his Government stop the workers. They have suggested that the matter be discussed, with a view to finding an agreed solution which would preserve UNIKOM's ability to carry out the mandate entrusted to it by the Security Council. The Permanent Representative had not yet responded when, on 9 January, General Firas informed General Dibuama that on 11 January the dismantling of prefabricated buildings in the former naval base would be extended to include the buildings used by UNIKOM. General Firas suggested that UNIKOM evacuate these premises.

8. The premises in question consist of 19 buildings, which house such elements as the UNIKOM's northern sector headquarters, helicopter support, and transport workshops. Others are used for the accommodation of personnel. Additional prefabricated buildings have been added by UNIKOM. I should like to point out that, by an exchange of letters, respectively dated 15 April and 21 June 1992, the Government of Iraq has agreed that the land and premises it has made available to UNIKOM shall be inviolate and subject to the exclusive control and authority of the United Nations.

9. The above developments are taking place at a time when the Security Council is already actively seized of other aspects of the situation, such as Iraq's ban against United Nations aircraft. They cast doubt on Iraq's continued willingness to cooperate with UNIKOM and to abide by the commitments it has undertaken in this respect. As the Security Council is aware, Iraq's cooperation is essential for UNIKOM to perform its tasks effectively. It is for this reason that I am bringing these matters to the Council's attention.

Annex I

Letter dated 8 January 1993 from the President of the Security Council addressed to the Secretary-General

On behalf of the members of the Security Council, I have the honour to refer to your letter dated 23 December 1992, in which you brought to the Council's attention some issues arising from the demarcation of the boundary between Iraq and Kuwait. The members of the Council considered this matter in the course of consultations of the whole on 5 January 1993 and asked me to convey to you the following:

The members of the Council concur with the general approach outlined in your letter. They are particularly concerned at the continued presence of six Iraqi police posts on Kuwaiti territory and insist on their speedy removal, by 15 January at the latest. They also note the unsafe proximity to the boundary of three other Iraqi posts and two Kuwaiti police posts.

The members have also before them a letter dated 4 January 1993 from the Chargé d'affaires a.i. of the Permanent Mission of Kuwait to the United Nations and they have since taken note of UNIKOM's weekly report for the period 28 December 1992-3 January 1993. They believe the presence of Iraqi military personnel in the demilitarized zone was a serious violation of resolution 687 (1991). They also consider that the removal of the Iraqi property and assets from Kuwaiti territory should be undertaken only after prior clearance by UNIKOM and by the Kuwaiti authorities through UNIKOM and should be completed by 15 January 1993. The members of the Council would be obliged if you would keep them informed of development in these matters.

(Signed) Yoshio HATANO
President of the Security Council

Annex II

Letter dated 23 December 1992 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to the situation in the area of operation of the United Nations Iraq-Kuwait Observation Mission (UNIKOM), following the placement of the border pillars along the land boundary between Iraq and Kuwait by the United Nations Iraq-Kuwait Boundary Demarcation Commission. The demarcation of the land boundary is thus nearly complete, except for minor technical matters.

I consider it timely, therefore, to bring to the Council's attention some issues arising from the demarcation of the boundary. These concern six Iraqi police posts, part of the Iraqi town of Umm Qasr, several Iraqi farms along the eastern part of the boundary and some well heads of the Ratqah oil field, all of which have been shown to be on Kuwaiti territory.

The issue of the Iraqi police posts on Kuwaiti territory was first raised with the Iraqi authorities more than one year ago. At that time, the boundary had not yet been demarcated and the Iraqi authorities maintained that they could not withdraw the posts as this might prejudice their position regarding the boundary. They stated, however, that they would abide by the decision of the Boundary Demarcation Commission. This assurance has recently been repeated. I have requested the Iraqi authorities to withdraw the six police posts from Kuwaiti territory as soon as possible and I have instructed Major-General Dibuama, the Chief Military Observer of UNIKOM, to be in touch with those authorities regarding the necessary arrangements.

Three Iraqi police posts and two Kuwaiti police posts are now closer to the boundary than 1,000 metres, which UNIKOM, with the concurrence of both sides, has established as a reasonable distance to prevent incidents. Persistent complaints about shooting incidents involving police posts underline the continuing validity of this rule. I have accordingly instructed Major-General Dibuama to arrange with the authorities concerned that the police posts in question be moved further away from the boundary at an early date.

The issue of the Iraqi citizens and their assets which remain on Kuwaiti territory is potentially volatile and apt to give rise to increased tension and friction unless resolved soon. At the same time, it is clearly in the interest of all involved that this issue be settled in a reasonable way. I am in touch with the Governments of Iraq and Kuwait in order to promote such a settlement and to determine how the United Nations may help to bring it about. I trust that the Security Council concurs with this approach and shall keep it informed of the results of my contacts.

I should be grateful if you would bring the contents of this letter to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

Annex III

Letter dated 3 November 1992 from the President of the Security Council addressed to the Secretary-General

The members of the Security Council have examined the question you brought to the attention of the President through your letter dated 23 September 1992. They fully share the concerns expressed by the UNIKOM Commander related to the threats to security linked to the presence of Iraqi and Kuwaiti military equipment in six bunkers within the demilitarized zone, near the headquarters of the Observation Mission. The members of the Security Council deem it necessary, as recommended by the Commander of the Observation Mission, for the bunkers to be emptied of their contents.

The members of the Security Council have noted that UNIKOM has carried out, within the demilitarized zone where it is deployed, destruction of mines and ammunition that might be harmful to the observers (your reports S/22454, approved by resolution 689 (1991), S/23106, S/23766 and S/24615). They are of the opinion that the military equipment referred to in your letter dated 23 September 1992, which also represents a threat to the security of the members of the Observation Mission, should similarly be destroyed by UNIKOM or by a specialized company acting upon the request of the Mission and under its supervision.

In the event of UNIKOM entrusting a specific company with the destruction of the military equipment contained in the six bunkers, the cost of this operation should not be covered by the regular budget of UNIKOM but by Iraq and Kuwait. Each of these two States should support the financial burden related to the destruction of the contents of the bunkers located on its territory, i.e. on its side of the border as demarcated by the Boundary Demarcation Commission.

The members of the Security Council are of the opinion that it would be useful for UNIKOM to consult the Special Commission to enable the latter to check whether any of the military equipment contained in the six bunkers fall into the category mentioned in paragraph 8 of resolution 687. In this case, this equipment should be destroyed by the Special Commission, in coordination with UNIKOM.

(Signed) André ERDOS
President of the Security Council